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## REMARKS

### NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

A Power of Attorney or Authorization of Agent (copy attached) authorizing the undersigned to act on behalf of Applicant with respect to this application was filed on February 19, 2003, as indicated on the attached copy of the return postcard. Applicant respectfully requests that the Power of Attorney be entered.

The Power of Attorney also requested a change of the correspondence address to the undersigned (Customer Number 32603), but this change was not made in the Patent Office, since the pending Office Action was sent to the prior correspondence address of record. Applicant respectfully requests this be corrected and that all correspondence in connection with this application and any patents issuing therefrom be directed to the attention of:

E. Randall Smith  
2777 Allen Parkway, Suite 1000  
Houston, Texas 77019-2141  
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### CLAIM REJECTIONS

Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad et al. in view of Egger et al. In response, Applicant respectfully traverses these rejections.

There are many reasons which claim 1-20 are not obvious based upon Conrad et al. in view of Egger et al., and there are many differences between each of the claims and the

cited references. Accordingly, Applicant respectfully requests that the rejections of claims 1-20 be withdrawn.

#### TRAVERSAL OF CLAIM REJECTIONS

##### Claims 1-20 Should be Allowed Because of No Basis for Combining References

Applicant submits that the claim rejections under 35 U.S.C. 103(a) as being unpatentable over Conrad et al. in view of Egger et al. are inappropriate on the independent basis that there is no suggestion or motivation provided in Conrad et al. and Egger et al. to make the combinations proposed by the Examiner. Obviousness is not established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion that the combination be made. In re Stencel, 828 F.2d 751, 4 U.S.P.Q.2d 1071 (Fed. Cir. 1987); In re Geiger, 815 F.2d 686, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987); In re Nielson, 816 F.2d 1567, 2 U.S.P.Q.2d 1525 (Fed. Cir. 1987); In re Keller, 642 F.2d 413 (Fed. Cir. 1981).

In this regard, Applicant notes that the Examiner has provided no objective evidence of a suggestion, teaching or motivation to combine the cited references, as required by controlling law. Specifically, the Examiner has not provided appropriate explanation as to where the Examiner finds support for *combining* Conrad et al. and Egger et al. in relation to each claimed combination. Indeed, Applicant submits that no such support exists. As stated by the Court of Appeals for the Federal Circuit in In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 12430, 1433 (Fed. Cir. 2002):

“The factual inquiry whether to combine references must be thorough and searching.” It must be based on objective evidence of record. This precedent has been reinforced in myriad decisions, and

cannot be dispensed with. The need for specificity pervades this authority.

(citations omitted.) According to the Federal Circuit in In re Lee, the factual question of motivation to combine for purposes of the obviousness inquiry is material to patentability, and can neither be resolved on subjective belief and unknown authority, nor stand if supported only by conclusory statements.

Further, obviousness is not determined by the application of hindsight, or retrospect, with the knowledge of the Applicant's discovery. Id.; See also, Schnell v. Allbright-Nell Co., 348 F.2d 444, 447 (7th Cir. 1965); In re Nomiya et al., 509 F.2d 566 (CCPA 1975); In re Leonor, 395 F.2d 801 (CCPA 1968). As articulated by the Federal Circuit in In Re Rouffet, 47 U.S.P.Q.2d 1450 (Fed. Cir. 1998), "the suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness." Id. at 1458. Applicant submits that the Examiner's selection and combination of references applied in this case is solely with the assistance of hindsight.

The Office has the burden to go forward and cite a factual basis for its legal conclusions. Ex parte Parthasarathy and Ciapetta, 174 U.S.P.Q. 63 (Bd.App. 1971); In re Rinehart, 531 F.2d 1040, 189 U.S.P.Q. 143, 147 (CCPA 1976); In re Carleton, 599 F.2d 1021, 202 U.S.P.Q. 165, 168 (CCPA 1979). See In re Garrett, 33 BNA PTCJ 43 (1986), where the Board of Patent Appeals and Interferences criticized the Examiner's statement that the proposed modification therein under scrutiny would have been "an obvious matter of venturing design choice." In the present case, there is no objective suggestion or motivation to combine Conrad and Egger, and this rejection cannot stand. As such, the obviousness

rejections of claims 1-20 based on the cited combinations are inappropriate. Applicant submits that all claims are therefore in condition for allowance.

Independent Claim 1 Is Patentable

There are many differences between independent claim 1 and the cited references. For example, Conrad does not teach claim 1's requirement "displaying on a user screen, a graphical representation [of] parent categories for search results," as suggested by the Examiner. To support the rejection of this claim requirement, the Examiner cites Conrad at Column 2, lines 2-15. However, there is no mention or depiction in Conrad of "a graphical representation" of any categories in that cited portion of the specification or anywhere else in the patent. In fact, in stark contrast to any graphical representation, the figures of Conrad show the alleged categories as text only, without graphical representation. For example, in Figures 22 and 23, the headings "Companies", "Products", "Top 5 Concepts" are shown textually only. In Figure 24, the heading "by Company" and the headings "Apple", "IBM", "Microsoft", "Netscape", "Lotus" and "HP" are shown only textually. (It should be noted that while claim 1 does not *exclude* the display of text relating to the parent categories, it does require graphical representation thereof.) This claim requirement is thus not met by Conrad. On this basis alone, the rejection of claims 1-2 should be withdrawn and these claims allowed.

For another example, claim 1 is directed to "a method . . . for displaying search results from a search conducted in a hierarchical data set". While this feature is in the preamble of claim 1 and is thus not a claim limitation, Conrad nevertheless does not teach this feature, rendering Conrad inapplicable to claims 1 and 2. In contrast to "a method . .

. for displaying search results from a search conducted in a hierarchical data set”, Conrad merely utilizes “information” from an information retrieval system to build a semantic model. The section of the patent specification cited by the Examiner for allegedly disclosing the above preamble language, (Column 1, line 64 to Column 2, lines 15), Conrad states:

The present invention provides a computer graphical user interface (GUI) for multi-dimensional analysis of objects by manipulating discovered semantic properties. A computer system robotically builds a semantic model of information contained on an information retrieval system such as the Internet. The semantic model is stored as metadata in an intermediate format on the computer system. The computer system performs a semantic analysis on the metadata and generates search results in response to user queries. The GUI allows a user to select resource metadata and accumulate the metadata into a query definition. The GUI dynamically extracts metadata from user-selected query results and displays the results grouped by types or categories of metadata. The query results may be also displayed on screen in a sidebar. A user may pin metadata items and display changes to the query results based upon the pinned items. The GUI further displays user preference feedback to the user and uses the feedback to modify subsequent queries and displayed search results.

Nothing is indicated about displaying search results from a search conducted on a hierarchical data set. Instead, Conrad provides an indexing scheme for “information contained on an information retrieval system such as the Internet” based upon semantic properties of the information. The Examiner also cites Figures 12 and 13 of Conrad, which likewise indicate nothing about the display of search results from a hierarchical data set. On this independent basis alone, the rejection of claims 1-2 should be withdrawn and these claims allowed.

Independent Claim 3 is Patentable

There are many differences between independent claim 3 and the cited references. For example, the claim requires at least one “category icon”, each category icon

“representing a category to which search results belong.” However, Conrad does not satisfy this claim requirement. There is simply no mention or depiction anywhere in Conrad of any icon (a pictorial representation or symbol) representing a category to which search results belong. The passage cited by the Examiner to allegedly show this claim requirement is at Column 11, lines 4-21 et seq. of Conrad, which states:

The process of selecting resource metadata and accumulating the metadata into a query definition is shown in FIG. 23. A preferred embodiment of the GUI provides for selecting metadata for inclusion in a query definition. Upon the user selecting a metadata item, the metadata is moved into the query definition area. For example, as shown in FIG. 23, a user has selected "Lotus Notes" from the results sidebar heading "Products". Once the user has selected this metadata, a query modification window displays three headings of "Refine by", "& These Products", and "& These". The user's selection of metadata from the results sidebar, "Lotus Notes", is automatically included under the heading of "& These Products". A virtual on-screen button labeled "Add" allows the user to accept the modification to the search query and perform a new search. It will be recognized by one of ordinary skill in the art that the headings, categories, and documents shown in FIG. 23 are for the purpose of explanation only, and that a wide variety of headings, categories, and documents are possible with the present invention without loss of generality.

This passage describes Conrad's process of a user selecting metadata to include in a query definition – which has nothing to do with the above requirement of claim 3. This claim requirement is thus not met by Conrad et al. On this basis alone, the rejection of claims 3-17 should be withdrawn and these claims allowed.

For another example difference between claim 3 and Conrad, Conrad does not satisfy the claim requirement “graphically displaying . . . the search results within at least one category icon”. There is simply no mention or depiction in Conrad of displaying any search results either “graphically” or “within” a category “icon.” Of course, since Conrad

has no category icons, as explained above, search results cannot be displayed within a category icon. With respect to this claim requirement, the Examiner cites Column 10, lines 30-35 of Conrad, which states:

For example, as shown in FIG. 21, a results window is defined for the first information group entitled "Research a Response to an RFP". The window is titled "Respond To An RFP", and based upon the metadata and a user query, automatically displays three panels entitled "Switches", "Network Equipment", and "Other". The number and length of panels is not limited. Virtual on-screen buttons labeled "<Back" and "Next >" allow a user to page through a large number of panels.

This passage refers to Figure 21, which shows only listings of text – there are no icons representing categories and no search results displayed graphically within any icons. (It should be noted generally with respect to the pending application that none of the pending claims which require one or more icon or graphical representation, such as claim 3, *excludes* the display of textual matter in addition to the claimed respective icon(s) or graphical representation(s).) This requirement of claim 3 is thus not satisfied by Conrad et al. On this basis alone, the rejection of claims 3-17 should be withdrawn and these claims allowed.

Independent Claims 18 and 19 are Patentable

Independent claims 18 and 19 also each have many differences as compared to the cited references. A few examples of the differences are the same as the example differences between claim 3 and Conrad noted above. Like claim 3, claims 18 and 19 each require graphically displaying search results “within at least one category icon”, each category icon “representing a category to which search results belong.” As discussed above with respect to claim 3, Conrad has neither (i) category icons each

representing a category to which search results belong nor (ii) the graphical display of search results within category icon(s). Applicant's discussion above with respect to these claim requirements of claim 3 is hereby incorporated herein by reference. In rejecting claim 18 with respect to this claim language, the Examiner cites the Conrad specification at Column 11, lines 19-27, which states:

It will be recognized by one of ordinary skill in the art that the headings, categories, and documents shown in FIG. 23 are for the purpose of explanation only, and that a wide variety of headings, categories, and documents are possible with the present invention without loss of generality.

The present invention provides for pinning extracted metadata in place to define a query in either batch mode or real time. Query results may be automatically changed in real-time to match the requirement placed on the system in response to the pinning action. A circle, icon, or other virtual button located adjacent to information categories allows a user to pin that information. For example, in FIG. 23, a user might pin the entries "Microsoft" and "Apple" under the "Top 5 Concepts" heading in the results sidebar by selecting the circles located adjacent to those entries.

Here, Conrad discusses the inclusion of a virtual button, such as a circle or icon, for the very specific and limited purpose of saving or pinning words that the user wants to include in a query. Unequivocally, this circle, icon or other virtual button does not serve as "representing a category to which search results belong." Nor are any search results "displayed within" these pinning circles, icons or other buttons proposed by Conrad. In rejecting the same language of claim 19, the Examiner turns to Column 11, lines 4-21, which states:

The process of selecting resource metadata and accumulating the metadata into a query definition is shown in FIG. 23. A preferred embodiment of the GUI provides for selecting metadata for inclusion in a query definition. Upon the user selecting a metadata item, the metadata is moved into the query definition area. For example, as shown in FIG. 23, a user has selected "Lotus Notes" from the results sidebar heading "Products". Once the user has selected this metadata, a query modification window displays three

headings of "Refine by", "& These Products", and "& These". The user's selection of metadata from the results sidebar, "Lotus Notes", is automatically included under the heading of "& These Products". A virtual on-screen button labeled "Add" allows the user to accept the modification to the search query and perform a new search. It will be recognized by one of ordinary skill in the art that the headings, categories, and documents shown in FIG. 23 are for the purpose of explanation only, and that a wide variety of headings, categories, and documents are possible with the present invention without loss of generality.

This excerpt has absolutely nothing to do with the inclusion of at least one "category icon", each category icon "representing a category to which search results belong", or graphically displaying search results "within at least one category icon." Thus, these separate claim requirements of each of claims 18 and 19 are not satisfied by Conrad et al. On each of these independent bases, the rejections of claims 18 and 19 should be withdrawn and these claims allowed.

For still a further example, with respect to claims 18 and 19, Conrad does not satisfy the requirement of "representing the search results displayed within the category icon as category member icons". This feature is also absent in Conrad. In rejecting this language of both of claims 18 and 19, the Examiner cites Column 11, lines 19-27 et seq. of Conrad, which is reproduced above and does not even remotely suggest representing search results as category member icons. As to this language in claim 19, the Examiner additionally cites Column 2, lines 2-15 of Conrad, which is also reproduced above and likewise makes no mention whatsoever of representing search results as category member icons. Thus, this claim requirement found in both claims 18 and 19 is not satisfied by Conrad et al. and on this independent basis, the rejections of claims 18 and 19 should be withdrawn and these claims allowed.

Independent Claim 20 is Patentable

There are many differences between claim 20 and the cited references. For example, the claim is directed to a “method of requesting the display of search results based on the category paths of the search results.” While this feature is in the preamble of claim 20 and is thus not a claim limitation, Conrad nevertheless does not teach this feature, rendering Conrad inapplicable to claim 20. For allegedly teaching this feature, the Examiner cites Conrad at Column 2, lines 2-15, which states:

The semantic model is stored as metadata in an intermediate format on the computer system. The computer system performs a semantic analysis on the metadata and generates search results in response to user queries. The GUI allows a user to select resource metadata and accumulate the metadata into a query definition. The GUI dynamically extracts metadata from user-selected query results and displays the results grouped by types or categories of metadata. The query results may be also displayed on screen in a sidebar. A user may pin metadata items and display changes to the query results based upon the pinned items. The GUI further displays user preference feedback to the user and uses the feedback to modify subsequent queries and displayed search results.

This excerpt discusses the semantic model created by Conrad for providing an indexing scheme for users to formulate queries. Clearly absent is any suggestion of a display of search results based on the category paths of the search results. This feature is not included in Conrad. On this basis alone, the rejection of claim 20 should be withdrawn and claim 20 should be allowed.

For another example, claim 20 requires “writing GUI script software capable of generating every potential arrangement of matching web sites in the context of their respective parent category and subcategories.” This is also absent in Conrad. To support

the rejection of this claim language, the Examiner points to Col. 11, lines 4-27, which states:

The process of selecting resource metadata and accumulating the metadata into a query definition is shown in FIG. 23. A preferred embodiment of the GUI provides for selecting metadata for inclusion in a query definition. Upon the user selecting a metadata item, the metadata is moved into the query definition area. For example, as shown in FIG. 23, a user has selected "Lotus Notes" from the results sidebar heading "Products". Once the user has selected this metadata, a query modification window displays three headings of "Refine by", "& These Products", and "& These". The user's selection of metadata from the results sidebar, "Lotus Notes", is automatically included under the heading of "& These Products". A virtual on-screen button labeled "Add" allows the user to accept the modification to the search query and perform a new search. It will be recognized by one of ordinary skill in the art that the headings, categories, and documents shown in FIG. 23 are for the purpose of explanation only, and that a wide variety of headings, categories, and documents are possible with the present invention without loss of generality.

The present invention provides for pinning extracted metadata in place to define a query in either batch mode or real-time. Query results may be automatically changed in real-time to match the requirement placed on the system in response to the pinning action. A circle, icon, or other virtual button located adjacent to information categories allows a user to pin that information.

This excerpt has absolutely nothing to do with the concept of generating every potential arrangement of matching web sites in the context of their respective parent category and subcategories. Instead, it discusses modifying search queries based on metadata provided. Thus, this claim requirement of claim 20 is not satisfied by Conrad et al. and on this independent basis, the rejection of claim 20 should be withdrawn and claim 20 should be allowed.

MARKED-UP VERSION OF PRIOR PENDING CLAIMS SHOWING CHANGES

Below is a marked-up version of prior pending claims 1-20, as required by 37 CFR § 1.121:

1. (Amended) A method, for use in a user computer system including a pointing device and a visual display unit, for providing a graphical user interface to a computer program for displaying search results from a search conducted in a hierarchical data set, the method comprising:

receiving search results from a search query of a hierarchical data set; and  
displaying on a user screen, a graphical representation of parent categories for search results, wherein the displayed search results appear within their respective parent categories.

2. (Amended) The method of claim 1, further comprising:

selecting a parent category from the display on the user screen; and  
displaying on the user screen a graphical representation of the search results in the selected parent category in the context of the search results' respective first uncommon level of subcategories.

3. (Amended) A method of presenting search results, the method comprising:

receiving search results from a database;  
organizing the search results by category; and  
graphically displaying [a three-dimensional representation] the search results within at least one category icon, [the] each at least one category icon representing a category to which search results belong[, wherein the downward paths to a search result is implied by graphical positioning of search results within a category icon].

4. (Amended) The method of claim 3, further comprising:  
representing the search results displayed within the at least one category icon as category member icons.
5. (Amended) The method of claim 4, further comprising:  
distinguishing between categories to which the displayed category member icons belong by at least one of shape, color and sound[, in accordance with a subcategory to which less than all of the displayed category member icons within a category icon belong].
6. (Amended) The method of claim 5[4], further comprising:  
selecting a category member icon; and  
generating a perceptible excerpt relating to the search results represented by the selected category member icon comprising at least one of textual, aural, imagery or video data.
7. (Amended) The method of claim 3, further comprising:  
representing the search results as a number appearing within the at least one category icon, the number representing the quantity of data elements from the search results that fall within the category represented by the category icon.
8. (Amended) The method of claim 7 [3], wherein the search results includes a plurality of data elements, the method further comprising:  
representing on the user screen, all data elements included [appearing] within the search results.

9. (Amended) The method of claim 3 wherein the search results includes a plurality of data elements, further comprising:  
providing a simple API comprising a category path and a URL for each data element [in the search result].
10. (Amended) The method of claim 4 wherein the search results includes a plurality of data elements, further comprising:  
displaying explicit hierarchical downward path information of [representing the downward path from the displayed category to] a selected data element [within the displayed category].
11. (Amended) The method of claim 12 [4], further comprising:  
changing the appearance of a category member icon after the at least one data element represented by the category member icon has been accessed.
12. (Amended) The method of claim 13 [4], wherein each search result represents at least one data element, further comprising:  
drilling out from a selected category member icon to directly access the at least one data element represented by the [a] selected category member icon.
13. (Amended) The method of claim 4, further comprising:  
drilling down from a selected category icon to display at least two category icons for subcategories [for a] of the search results displayed within the selected category icon, and displaying such search results within the category icons of the subcategories.

14. (Amended) The method of claim 8, further comprising:  
[Z]zooming in to the displayed category member icons;  
[E]enlarging the display space larger than the user display; and  
[S]scanning category member icons across the user screen.
15. (Amended) The method of claim [3] 8, wherein the size of the at least one category icon[s] is proportional to the number of search results within the category represented by the at least one category icon.
16. (Amended) The method of claim 13 [4], further comprising:  
accessing a category icon;  
changing the appearance of the [viewed] accessed category icon to indicate [at least one of] the accessed category icon has been accessed [or the icon should be accessed again].
17. (Amended) The method of claim 4, further comprising:  
[D]eriving the numerical relevance rank for a search result [data element] from the [data element's] search result's position within a search results list; and  
[D]isplaying the [data element's] search result's numerical relevance rank within the category member icon representing the [data element] search result.
18. (Amended) A method of presenting search results, comprising:  
receiving search results from a database, each search result having a category path, the category path of each search result including a parent category and at least one lower level category;  
organizing the search results by category;

graphically displaying [a three-dimensional representation] the search results within at least one parent category icon, the at least one parent category icon representing [a] the parent category of search results having such parent category in their respective category paths [to which search results belong, wherein the downward paths to a search result is implied by graphical positioning of search results within a category icon];

representing each [the] search result[s] displayed within the at least one parent category icon as a category member icon[s]; [and]

distinguishing between categories to which the displayed category member icons belong by at least one of shape, color and sound[, in accordance with a subcategory to which less than all of the displayed category member icons within a category icon belong.]; and

from at least one parent category icon, providing access to at least two lower level category icons, wherein each search result displayed within the at least one parent category icon is displayed within a lower level category icon.

19. (Amended) A method of presenting search results, comprising:

receiving search results from a database;

organizing the search results by category;

graphically displaying [a three-dimensional representation] the search results within at least one category icon, the category icon representing a category to which search results belong[, wherein the downward paths to a search result is implied by graphical positioning of search results within a category icon];

representing the search results displayed within the category icon as category member icons; and

distinguishing between categories to which the displayed category member icons belong by at least one of shape, color and sound[, in accordance with a subcategory to which less than all of the displayed category member icons within a category icon belong, wherein the size of the category icons is proportional to the number of search results within the category].

20. (Amended) A method of requesting the display of search results based on the category paths of the search results, the method comprising:

under control of a client system, displaying a search request window[,] and [ ] in response to the entry and selection of a search request, sending the search request to a server system;

under control of the server system, receiving the search request,  
\_\_\_\_\_ having [the] a search conducted by a search engine[;],  
\_\_\_\_\_ writing GUI script software capable of generating every potential arrangement of matching web sites in the context of their respective parent category and subcategories[;], and

\_\_\_\_\_ downloading the GUI script software to [the] browser software on the client system; and

under control of the client system, displaying matching search results [web sites] in the context of their respective parent categories, and [ ] upon the user selecting, with a selection device, a parent category, displaying the matching search results [web sites] of the selected parent category in the context of their respective first uncommon level of subcategories.

## MARKED-UP VERSION OF PRIOR PENDING SPECIFICATION

The only amendment to the Abstract and Specification that does not involve an entire replacement paragraph is the amendment made to the Specification paragraph beginning original Page 5, line 3. Below is a marked-up version of that prior pending paragraph, as required by 37 CFR § 1.121:

The prior art organization and presentation of search results ~~or, such as~~ matching web sites ~~present significant, presents~~ disadvantages. ~~The In some instances, the~~ search results presentation format, such as described above, ~~is may be~~ cumbersome, difficult and/or time consuming to utilize, review, navigate, narrow and/or analyze. For example, the list of ranked web sites or category paths may span several web pages and require paging through hundreds or thousands of lines of text to evaluate search results. ~~In For another example, a disadvantage of known presentation format [for]~~ search results, ~~having~~ category paths that are closely associated with each other, such as SPORTS: AUTO RACING: DRAG RACING: FUNNY CARS and SPORTS: AUTO RACING: DRAG RACING: PERSONAL, may not even be on the same page of the search results ~~causing sequential scrolling back and forth between pages of search results. Another disadvantages is that.~~ ~~For yet another example,~~ in known presentation formats, category paths may be included in the matching category list for which no matching web sites exist. ~~These empty category paths are included because the words in, rendering the category paths themselves match the query string. These category path search results may be considered entirely or substantially useless and, severely degradedgrading the utility of search results, or making themthe search results even more difficult to use and navigate.~~ Thus, there is a need for a database search result presentation and/or navigation method and/or apparatus that concisely presents aggregate relevant data to the user and, aggregates the data elements, enables the user to efficientefficiently evaluate

and review the entire results~~data~~, addresses one or more of the other concerns or disadvantages referenced above or inferred from this patent, or otherwise advances the technology of data organization, presentation or navigation.

It should be noted that the above-described prior art and the features and disadvantages thereof are only examples. Merely by mentioning such example prior art features and disadvantages, it is not intended that each claim of this patent be limited to exclude each such feature and disadvantage. Accordingly, none of the appended claims should be limited in any way by the above discussion or construed to exclude the cited prior art features or disadvantages, except and only to the extent as may be expressly stated in a particular claim.

#### AMENDMENTS TO CLAIMS

Various amendments have been made to the claims. All the claim amendments are voluntary amendments by the Applicant as voluntary word choice, grammatical and punctuation changes. The amendments were not required by the Examiner or made in response to a rejection by the Examiner, and were not made for any reason related to the statutory requirements for a patent (e.g. novelty, non-obviousness, patentable subject matter, utility or any requirements of 35 U.S.C. Section 112). Applicant submits that the original claims (pre-amendment) met all the statutory requirements for a patent. Supporting this fact are the arguments/example reasons for patentability provided above based upon the original claim language.

Please note that as part of the claim amendments, Applicant has amended claim 12 to depend from numbered claim 13, and claim 11 to depend from numbered claim 12. Applicant respectfully requests the claims be renumbered as necessary.

## AMENDMENTS TO ABSTRACT AND SPECIFICATION

Various amendments have been made to the Abstract and specification. These are also voluntary amendments by the Applicant as voluntary word choice changes. The amendments were not required by the Examiner or made in response to a rejection by the Examiner, and were not made for any reason related to the statutory requirements for a patent (e.g. novelty, non-obviousness, patentable subject matter, utility or any requirements of 35 U.S.C. Section 112). Applicant submits that these amendments are consistent with and fully supported by the specification and do not add new matter to the present application.

## CONCLUSION

In summary, the Examiner rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Conrad et al. in view of Egger et al. In light of the foregoing remarks, Applicants submit that all pending claims (claims 1-20) are now allowable, and an early notice to that effect is earnestly solicited. Should a telephone interview help speed up resolution of this application, or if the Examiner has any questions or comments regarding this communication, a call would be greatly appreciated.

In the Remarks above, Applicant has at various times referred to particular aspects of patents cited by the Examiner or certain aspects or language of the pending claims, or to one or more distinctions between such patents and claims. It is not intended by mentioning any such aspects and distinctions to create any implied limitations in the referenced claims or any other pending claims. Such remarks are intended strictly to

educate the Examiner and are not intended to create estoppel. Furthermore, the Remarks above are not to be considered to be exhaustive of the facets of the referenced pending claims that render such claims patentable, but only examples of features which Applicants' Attorney chooses to mention at this time. In construing a claim of this patent, evaluating a prior art reference or making any comparison of a pending claim to a prior art reference, the claim should be construed in its entirety and compared to the reference as a whole.

With respect to the pending claims, it should be noted that it is Applicants' intent not to invoke 35 U.S.C. § 112, ¶ 6 for any of the elements of any of pending claims. Also, it should be understood generally that none of the pending claims are intended to be limited to being performed in any particular order or with any particular apparatus.

If any fees are inadvertently omitted or if any additional fees are required, please appropriately charge those fees to E. Randall Smith, P.C. Deposit Account Number 501294.

Respectfully submitted,



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